

**IN THE U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

TRACTOR SUPPLY COMPANY,

Plaintiff,

v.

**ACE AMERICAN INSURANCE
COMPANY, UNIFIRST CORPORATION
and ESIS, INC.,**

Defendants.

Case No. 3:21-cv-00619

**Judge William Campbell
Magistrate Judge Holmes**

[PROPOSED] AMENDED CASE MANAGEMENT ORDER

Pursuant to the parties' Joint Motion to Amend the Case Management Order (Docket Entry "D.E." 114), and from review of the parties' proposed amended case management order (D.E. 115) and the entire record, the following amended case management schedule and plan is adopted.

A. DISCOVERY: The parties must complete all written discovery and depose all fact witnesses on or before **October 27, 2022**. Written discovery shall proceed promptly (unless otherwise provided for herein). Discovery is not stayed during dispositive motions or other motions, unless ordered by the Court.

No discovery disputes may be brought to the Court for resolution before lead counsel for all parties have conducted an in-person meeting and made a good faith effort to resolve any dispute(s). Discovery disputes that cannot be resolved after the in-person meeting should be brought promptly to the attention of the Magistrate Judge by the filing of a joint discovery dispute statement and a request for a discovery conference. It will be within the Magistrate Judge's discretion to allow filing of discovery-related motions, after counsel have scheduled and participated in a discovery conference. All discovery-related motions must be filed by no later

than **September 29, 2022**, unless otherwise ordered by the Court. In connection with any discovery conference, the parties must file a joint discovery dispute statement, of no more than 3 pages per affected party per issue, which identifies and describes the specific discovery request(s) in dispute and details each party's position with supporting facts and legal authorities, including as to any proportionality considerations. The joint discovery dispute statement must certify that lead counsel for all parties conducted the required in-person meeting and made a good faith effort to resolve each discovery dispute presented in the statement. No discovery conference will be held until a compliant joint statement is filed. If the joint statement is sufficiently detailed, any party may adopt by reference the joint statement for purposes of Local Rule 7.01 but must clearly state in the filing made in accordance with the timing requirements of Local Rule 7.01 that the joint statement is adopted as the party's memorandum of law or response.

B. DISCLOSURE AND DEPOSITION OF EXPERTS: The plaintiff must identify and disclose all expert witnesses and expert reports on or before **October 29, 2022**. The defendant must identify and disclose all expert witnesses and reports on or **November 29, 2022**. Rebuttal experts and reports shall be permitted only by leave of court. Unless otherwise provided for in a separate pretrial order, supplemental expert disclosures, which specifically include, but are not limited to, any supplemental information to expert reports, must be made in accordance with Rule 26(a) and (e). Supplemental expert opinions or other expert disclosures not timely disclosed may be excluded at trial. See Local Rule 39.01(c)(5)(C). Expert depositions must be completed by **December 17, 2022**.

C. DISPOSITIVE MOTIONS: Any motions to dismiss under Fed. R. Civ. P. 12 shall be filed and briefed in accordance with that rule and Local Rule 7.01. All other dispositive

motions must be filed by no later than **February 1, 2023**. Responses to dispositive motions must be filed **within 28 days** after the filing of the motion. Briefs or memoranda of law in support of or in opposition to a dispositive motion shall not exceed 25 pages. Optional replies may be filed **within 14 days** after the filing of the response and shall not exceed 5 pages. No motion for partial summary judgment shall be filed except by permission of the Court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel, and the Court.

D. ESTIMATED TRIAL TIME AND TARGET TRIAL DATE: The jury trial of this action is expected to last **approximately 10 to 15 days**.¹ A trial date no earlier than **August 15, 2023** is respectfully requested. An order setting dates for trial and a pretrial conference, and detailing the parties' pretrial obligations, will be entered separately by Judge Campbell.

It is so **ORDERED**.

BARBARA D. HOLMES
United States Magistrate Judge

¹ The parties are reminded of their option to consent to final disposition by a Magistrate Judge pursuant to Fed. R. Civ. P. 73 and Local Rule 73.01. If the parties wish to utilize this option, they may jointly complete and electronically file the form Notice, Consent and Reference of Civil Action to a Magistrate Judge found on the Court's website under the link for Forms. Not consenting will not result in any adverse consequences, and the Notice should be filed **only if all parties consent** to final disposition by a Magistrate Judge.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically filed with the United States District Court for the Middle District of Tennessee using the Court's Electronic Case Filing (ECF) system, which will serve all parties indicated on the electronic filing notice to receive service in this matter:

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on this the 9th day of June, 2022.

/s/ Mark M. Bell